

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-691 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

26.08.2024

Mr. Muhammad Hussain Khan advocate for applicant.
Ms. Rameshan Oad, A.P.G.

ZULFIQAR ALI SANGI, J.- Applicant seeks post-arrest bail in Crime No.41/2024 registered at P.S. Fort Hyderabad U/s 9(1)3(C) CNS Amended Act 2022 after his bail was declined by Model Criminal Trial Court-I/1st Additional Sessions Judge/Special Judge CNS Hyderabad vide order dated 08.6.2024.

2. The allegation against the present applicant is that the police party of PS Fort Hyderabad while on patrolling arrested him and recovered 2800 grams charas from his possession on 27.04.2024.

3. The Bail is sought on the ground that the recovery has been foisted upon the applicant and he was in inimical terms with private persons and booked in this case by the police at the instance of those private persons. Learned counsel lastly contended that the case property being charas has been sent for FSL after two days, therefore, case of the applicant requires further inquiry.

4. Learned APG opposed the bail application on the ground that the applicant is nominated in FIR; he was caught red handed at the spot and 2800 grams charas was recovered from him; the entire property was sent for FSL and having positive report; he was booked earlier in five similar cases including the present, therefore, being habitual offender he is not entitled to concession of bail.

5. I have heard learned counsel for the applicant, learned APG and perused the material available on record.

6. Perusal of record reflects that the applicant was caught red handed and recovery of 2800 grams of charas was effected from his possession. The entire property was sent for FSL and the report reached as positive. The samples were sent to the FSL within 72 hours as provided in Rule 4(2) of the Control of Narcotic Substances (Government Analysts) Rules 2001 and the same were properly sent within time. Applicant earlier is involved in similar nature cases which act of the applicant is against the society.

7. Under such circumstances, no case for grant of bail is made out; therefore, at this stage applicant is not entitled for grant of bail. As such, bail application is dismissed.

JUDGE

Ali Haider